

STATE OF NEVADA
NEVADA DEPARTMENT OF PRISONS
OFFICE OF THE DIRECTOR

DOP INFORMATION BULLETIN # 94-27 (REVISED)

TO: ALL WARDENS AND MANAGERS
FROM: KARL SANNICKS, ACTING DIRECTOR

DATE: OCTOBER 10, 1994

SUBJECT: CASEWORK TO DOCUMENT HOLDS AND DETAINERS
(SUPERCEDES IB 94-27 dated 6/1/94; AD 10-94 and 25-94 -
WILL BECOME AR 548)

I. PURPOSE

To provide guidance to institution, facility, and central classification staff for the disposition of holds and detainers from other agencies. To eliminate uncertainties which obstruct inmate classifications.

II. AUTHORITY

NRS 209.131.

III. POLICY

Classification staff should identify any interest that other agencies might have in taking custody of NDOP inmates before, or upon, completion of their obligation to the State of Nevada. These agencies should be notified of the presence of the inmate and be provided with information necessary to lodge holds or detainers against inmates. If the other agencies do not provide NDOP with appropriate documents within 30 days, classification staff may classify and transfer the inmate without consideration of the other agencies' interest.

It is not necessary to contact other agencies upon the release of an inmate if they have been notified of the presence of the inmate and have not responded with appropriate documents. NDOP will accept and honor holds or detainers lodged after the indicated 30 day period, but accepts no responsibility for delays in court appearances, or releases that may have occurred after the lapse of 30 days and prior to the receipt of the hold or detainer.

This procedure creates no right or liberty interest on behalf of any inmate nor is any to be implied.

IV. DEFINITIONS

- A. Hold - Refers to the legal jurisdiction which another agency exercises over an NDOP inmate. A hold generally indicates that the inmate has an unfinished term of imprisonment to serve, such as a pending parole or probation revocation, a concurrent or consecutive sentence, or deportation.

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- B. Detainer - Refers to a notice of intent to pursue a felony prosecution of an untried indictment, information, or complaint by a prosecuting official.
- C. Other agency - Any police, judicial, prosecutorial, or correctional agency with a warrant, indictment, or judgment against an inmate committed to the NDOP. This definition of other agencies includes, but is not limited to, Nevada police and jail agencies, District Attorneys, and Courts.
- D. NCIC - The National Crime Information Center system used to obtain criminal histories, and to communicate with criminal justice agencies.
- E. ORI - Originating Agency Identifier used to address messages and entries made to the NCIC
- F. NCIS - The Nevada Corrections Information System is an automated inmate information system encompassing various sentence management, classification, medical, and operational applications used to manage Nevada inmates and institutions. In this context, the NCIS relates to the documentation of holds and detainers, and the conduct of objective classification based on that documentation.
- G. Unconfirmed - In the context of this regulation, an unconfirmed hold or detainer is one in which the Warrant Coordinator has not received a certified copy of the judgment or warrant from the other agency.
- H. Confirmed - In the context of this regulation, a confirmed hold or detainer is one in which the Warrant Coordinator has received a certified copy of the judgment or warrant from the other agency.
- I. Warrant Coordinator - The member of the Directors staff who officially documents holds and detainers on behalf of other agencies, for use by Nevada prison officials.

V. PROCEDURES

A. Institution and Facility Responsibilities

- 1. Any staff member who discovers an undocumented/unconfirmed felony hold or detainer should immediately contact the inmate's caseworker with that information.
- 2. Information regarding the possible interest of other agencies may be contained in the PSI (Pre-Sentence Investigation), copies of holds lodged by other agencies with county jails and forwarded with the inmate, memoranda indicating pending court appearances received by transportation officers, or parole and probation violation reports.

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3. Caseworkers assigned to intake centers are responsible for completing casework on undocumented/unconfirmed holds and detainers that are noted in the Intake processing of the inmate. This is to be done prior to the initial classification of the inmate.
4. Casework for undocumented/unconfirmed holds and detainers discovered after the completion of initial classification is the responsibility of the inmate's assigned caseworker.
5. Casework consists of contacting the other agency and obtaining:
 - a. The name of the other agency representative.
 - b. The charges or conviction with case numbers.
 - c. The sentence and discharge date, if applicable.
 - d. An indication of the other agency's intent to either extradite or disregard the inmate.
 - e. The official name of the other agency and their ORI.
6. Caseworkers will write this information in the I-File and also forward it to the Warrant Coordinator in the Classification & Planning Division. If an ORI number is not available, this will be noted for the Warrant Coordinator.
7. It is not necessary to perform casework or notifications for the following:
 - a. Misdemeanor or gross misdemeanor charges or holds. Misdemeanors and gross misdemeanor holds are not barriers to minimum custody.
 - b. Possible holds from the Immigration & Naturalization Service. This agency regularly sends agents to NDOP to identify and place holds on inmates. Likewise, an INS hold is not necessarily a barrier to minimum custody.

B. Classification & Planning (C&P) Responsibilities

1. The Warrant Coordinator will compose an NCIC teletype message based on the information provided by the caseworker and will give it to an NCIC Operator for transmission.
 - a. These items should be batched to reduce the typing load for the Operator.
 - b. In the event an ORI number is not available, the Warrant Coordinator will send a letter to the interested agency.

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2. The NCIC Operator will assign a teletype transaction number to the message form and transmit the message to the indicated agency ORI. This message will be of a standard format, approved by the Chief of Classification and Planning.
 - a. When the NCIC indicates that the message was received at the other agency, the Operator will print the screen twice. This printed screen will serve as verification that the other agency was notified of the request for a warrant or judgment.
 - b. The NCIC operator will file the teletype form and one of the prints of the screen in the teletype logbook. The other screen print is to be transmitted to the Classification Analyst in the Division.
3. The Classification Analyst should retrieve the most recent Classification Instrument for the inmate from the NCIS and determine whether, absent a hold or detainer, the inmate is a candidate for minimum custody.
 - a. If the inmate appears to be a candidate for minimum custody, the Classification Analyst should suspense a reclassification of the inmate, using the Interim Reclassification Date field of the Initial, or Reclassification Instrument. Normally this date should be at least 30 days after the date that the NCIC message was sent.
 - b. The central classification staff are allowed discretion in the assignment of reclassification dates based on the severity of the undocumented/unconfirmed charges against the inmate. This is to allow sufficient time for other agencies to prepare cases for serious offenses, such as Murder or Sexual Assault.
 - c. If the inmate is not a candidate for minimum custody based on other case factors, no additional action is necessary on the part of central classification staff.
 - d. The Classification Analyst should file the copy of the print screen in the inmate's C-File, whether the inmate is a candidate for minimum custody or not.
4. The Warrant Coordinator should immediately enter confirmed holds and detainers received from other agencies into the NCIS, and should send a copy of the warrant or judgment of conviction to the I-File via the caseworker. If the other agency responds that there will be no hold or detainer, the Warrant Coordinator should notify the caseworker and should route any documentation to the I and C-Files.

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- a. The Warrant Coordinator may accept a hold or detainer at any point in the inmate's incarceration. The timeframe described above is only used to guide the actions of classification staff.
- b. If more than 31 days have elapsed since notice to another agency, and that agency has not responded, neither C&P nor institutional staff are required to call or write that agency to indicate that an inmate is being released to parole or discharge, or otherwise transferred from his current location.

C. Classification

1. Institutional staff should reclassify inmates based on the interim reclassification date assigned by C&P staff.
2. The presence of a confirmed felony hold or detainer is not an automatic exclusion from minimum custody. Each hold and detainer needs to be considered in light of its effect on the inmate's proximity to release, the type of offense that it represents, and the other agencies intentions.
 - a. If the hold is for an obligation that is concurrent, and discharges before his Nevada obligation, then the inmate may be considered for minimum custody.
 - b. An inmate may be subject to deportation and may be approved for, or remain in a minimum custody setting. Analysis for assignment to, or retention at minimum custody should provide specific information regarding the escape risk that the inmate represents. This would include observed behaviors, statements, comments by other inmates, staff, or INS officials, or analysis of the consequences of deportation in the inmate's native country.
3. If the confirmed hold or detainer is determined to be an appropriate exclusion for minimum custody, the Classification Instrument should be documented with section "C" (non-discretionary exclusion) code and narrative.
4. If a confirmed hold is not noted, the inmate may be classified to reduced custody if he is otherwise eligible, or he may be transferred without consideration of the other agency's possible interest in the inmate.

D. Correcting Inaccurate Information

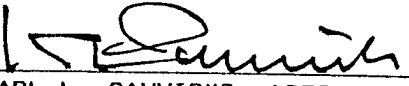
1. If it is suspected that an agency with a confirmed hold or detainer has dropped its interest but failed to notify the NDOP, the basis for that suspicion should be communicated to the Warrant Coordinator. The information should be in written form, and should be prepared by the caseworker.

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2. The Warrant Coordinator, not the caseworker, will make contact with the other agency and attempt to determine if their interest has changed. The Warrant Coordinator will make appropriate corrections to the NCIS and will also relay any new information to the caseworker, for the I-File.
- E. Provisions for temporary inclusion of unconfirmed holds or detainers in NCIS.
1. If the Warrant Coordinator is aware of an unconfirmed hold or detainer which involves a particularly serious offense, such as Murder, Kidnapping, or Sexual Assault, the unconfirmed hold or detainer may be entered into the NCIS if it is clearly labeled as unconfirmed.
 2. An unconfirmed entry should be reviewed by the Warrant Coordinator at intervals of 30 days. If the hold or detainer cannot be confirmed within 90 days, and if it is suspected that confirmation is still possible, further retention in the NCIS requires approval by the Chief of Classification and Planning, or designee, at 30 day intervals.

VI. REFERENCES

NCIS Users Manual
AR 549 Interstate Agreement on Detainers
AR 521 Custody Categories and Criteria


KARL L. SANNICKS, ACTING DIRECTOR
NEVADA DEPARTMENT OF PRISONS

10/10/94
ISSUE DATE

THIS PROCEDURE SUPERSEDES ALL PRIOR PROCEDURES ON THIS SPECIFIC SUBJECT.